

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 17, 2004, 9:00 A.M.

ACTION ITEMS:

1. **Minutes**, March 3, 2004 Worksession.

Action: Approved as amended, (AMC/LLM, 5-0).

2. **CBA-1174, Petition of Holton Arms School, Inc.** (private educational institution). Letter to the Board from Diana Coulton Beebe, Head of School, submitting the school's quarterly report.

Action: (1) Re-opened the record to include Ms. Beebe's letter with attachments, (2) Board to request additional information regarding Item No. 6 of the school's quarterly report, consensus.

3. **CBA-2377, Petition of Concord Joint Venture, c/o Milton Schneiderman, The Milton Company** (automobile parking lot). Letter to the Board from Jacob A. Ginsberg, Esquire, requesting an administrative modification. (Large exhibit: as-built plan).

Action: (1) Re-opened the record to include Mr. Ginsberg's letter with attachments; (2) referred to the MNCPPC Technical Staff for review, consensus.

4. **S-289-A, Petition of Little Falls Swim Club, Inc.** (community swimming pool). Letter to Board from Wai Choy/Jallali Bahman, et al, requesting an expedited hearing.

Action: Item referred to the Department of Permitting Services (DPS) for inspection, consensus.

5. **S-447-A, Petition of Darnestown Swim and Racquet Club** (community swimming pool). Letter to the Board from Tom Yarmas, Board President, submitting a new site plan. (Large exhibit: site plan).

Action: (1) Re-opened the record to include Mr. Yarmas' letter with attachments; (2) granted the administrative modification, (AIF/AMC, 5-0).

6. **S-657-B [S-657, S-657-A], Petition of Kensington Center, LLC** (automobile filling station). Letter from Stanley D. Abrams, Esquire, notifying the Board that the objections to the administrative modification have been withdrawn. (Large exhibits: site plan, floor and detail plan, signage plan, landscape plan).

Action: (1) Cancelled scheduled public hearing on administrative modification; (2) re-instated administration modification approval, (AIF/AMC, 5-0).

7. **S-682 [S-682-A, S-682-B, S-682-C, S-682-D], Petition of Bethesda Air Rights Company t/a Bethesda Sport and Health Club** (commercial recreation or entertainment establishment). Letters to the Board from Joan Rood, et al, and Mier Wolf, Mayor, the Town of Chevy Chase, requesting reconsideration.

Action: Denied reconsideration request, consensus. Board has no authority.

8. **S-688, Petition of Barnesville School, Inc.** (private educational institution). Letter to the Board from John and Elena Stamberg requesting a public hearing.

Action: (1) Granted request for a public hearing; (2) record referred to the Office of the Hearing Examiner, (LLM/DLB, 5-0).

9. **S-2184, Petition of Charles R. Gilbert** (indoor rifle and pistol range). Letters to the Board from Anthony R. Shore, Esquire, requesting an administrative modification.

Action: Item deferred for additional information from the petitioner, consensus.

10. **S-2297, Petition of Leslie Taylor, D.V.M.** (veterinary hospital). Letter to the Board from Jody S. Kline, Esquire, requesting reconsideration.

Action: Granted extension of time to implement until 12/30/04, (AMC/LLM, 5-0).

11. **S-2573, Petition of Edmond B. and Bonnie J. French** (accessory apartment). Letter from David D. Freishtat, Esquire, and Cara A. Frye, Esquire, to the Board requesting a public hearing.

Action: Referred record to the Office of Hearing Examiner, (DLB/LLM, 5-0).

12. **S-2610, Petition of Petsmart (animal boarding), S-2611, Petition of Petsmart (veterinary hospital), S-2612, Petsmart (pet shop).** Letter to the Board from Stacy Plotkin Silber, Esquire, requesting consolidation of the special exception cases.

Action: Granted the consolidation of the special exception cases and payment of only the highest filing fee (AIF/AMC, 5-0)

DECISION ITEMS:

13. **S-2480, Petition of Connie Lucas** (group home). Hearing Examiner's Report and Recommendation.

Action: Remanded case to the Office of the Hearing Examiner for clarification of Item No. 2 of the Hearing Examiner's Recommendations, (AIF/DLB, 5-0).

PENDING ITEMS:

14. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.

PENDING ITEMS (continued):

15. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.
16. **CBA-1220 [CBA-2103], Petition of Briggs, Wamsley and Samperton [Governor's House Motel]**. Memorandum from Stanley N. Garber clarifying his memorandum and request dated July 18, 2003 (item returning from October 8, 2003 WS). Item deferred for receipt of a site plan.
17. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans.
18. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification_request.
19. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letters to the Board from Cheryl A. Gustitus. Item deferred for inspection by DPS.
20. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
21. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.
22. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPPC Technical Staff.
23. **S-1573, Petition of Robert H. Edmund** (side lot line setback). Letter to the Board from Judith M. Koenick requesting an explanation of a building permit issued by DPS. Item referred to DPS for inquiry.
24. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
25. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan.

PENDING ITEMS (continued):

26. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley. Referred to DPS for review.

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Thomas Carbo, Associate County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist